

## **Readoption Review**

### **Labeling Requirements; Exemptions in Case of Food 410 IAC 7-6**

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

#### **Description of Rule:**

This rule spells out certain exemptions to the labeling requirement for packaged food in bulk or case quantities if the product is going to be further processed or not sold in a packaged form, such as a restaurant.

#### **Readoption Analysis:**

- 1) **Is there a continued need for this rule?**  
Yes, there is a need to continue to provide this particular exception for the food industry. These products are not for retail sale, they are only for use in other products or repackaging. There are no public health concerns with allowing this exception and it is good for businesses.
- 2) **What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?**  
We have not had any complaints on this rule that we are aware of. This is a normal part of commerce within in the food industry and we as regulators recognize that there are alternative methods of ensuring that the correct product is in a particular package without having to label each package within the constraints of the exception.
- 3) **Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.**  
We have not encountered difficulties with administering this rule.
- 4) **To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?**  
The federal rule 21 CFR 1.24 also exempts packaged food in these and similar circumstances so we would be consistent to maintain this rule.
- 5) **When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?**  
It has been many years since it has been fully evaluated, however, it is still consistent with federal law and is needed for the food industry.